581 economic considerations. In more recent times, under the influence of Islam, Christianity, and also of the Soviet regime, it has become a more important factor.

583 The mixture of various traditions can be exemplified by the Circassian usages. It was customary for the suitor, with the help of his comrades, to abduct his bride from the house of her parents. Often the kalym had been agreed upon beforehand, but the family of the bride nevertheless put up a token of resistance against the abduction. In cases where the family was against the marriage, elopement was not uncommon. A night spent 582 by the girl with her abductor made her his lawful wife according to the Circassian adat; later, a marriage contract drawn up by the mullah gave the marriage its legal sanction; now, marriages are regulated by Soviet law.

In Dagestan, local endogamy is observed more or less strictly; in the rest of the N. Caucasus, and also among the Georgian mountaineers, exogamous rules prevail.

[587] Formerly, the levirate and stepmother-inheritance were widespread among the Caucasian mountaineers; there was also a strong insistance upon marrying within one's social rank.

585 Among all the Caucasian mountaineers observing exogamy, there existed a variety of avoidance rules. E. g., the bridegroom would hide during the wedding feast and afterwards only secretly visit his wife, who after

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595 from polygyny is, above all, a shortage of rubles.[43] The same holds for the
593 Avars,[44] and, as we learn from Sveičin,[45] for the other Lesghians as well: the economic factor plays an important part in making polygyny relatively rare. Klaproth found the institution a veritable luxury in Ossetia, being only for the richest of the rich,[46] in full harmony with the Ossetine *adats* which reserve the [587] right for the two richest classes, the princes and the *aldars*.[47] Grabovskij's report[48] that even the *poor* Ingushi were polygamists we have partially explained by obligatory levirate, which was just as much obligatory for the rich as for [585] the poor. Moreover social stratification (which generally coincides with wealth and poverty) was practically non-existent during Grabovskij's visit in Ingushetia (*infra*, pp. 60 f); therefore, if polygyny is to be found among the Ingushi at all, it must be found also among the "poor" class.

[586] Easy divorce may do away with plural marriages as it did in Khevsuria and Svanetia, but in North Caucasia easy divorce plays only a very insignificant rôle compared with economic and biological factors.

§ 2. THE RULES OF ENDOGAMY AND EXOGAMY

000 Lowie defines exogamy as "the rule which prescribes that an individual must find a mate outside of his own group, whether that group be the family, the village or some other social unit."[49] The opposite rule "which makes it compulsory for a man to mate within his group is labeled endogamy." Lowie rightly stresses that it is not the *de facto* marriage within one's own group but the *prohibition* of marrying outside it that constitutes endogamy.[50]

1. The Impediment of Consanguinity

582 Consanguineous marriages are strictly prohibited throughout NORTH-
[614] WEST Caucasus. In his expedition of 1927 Ladyženskij ascertained that the reports of earlier writers about the abhorrence of incest among the tribes of Northwest Caucasia still exists today. Marriages between members of the same sib, regardless of the degree of remoteness, are considered incestuous.[51]

671 Among the NORTHEASTERN peoples the practice is not uniform. Ing-
582 ushian adats are by far stricter than Islamic law in regard to marriages between

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[43] *ibid.*

[44] L'vov, "Domašnjaja i semejnaja žizn Dagestanskich gorcev avarskago plemeni," SSKG, III (1870), p. 20.

[45] D. Sveičin, "Očerk narodonaselenija nrávov, i obyčaev Dagestancev," ZKO, II (1853), p. 64.

[46] J. Klaproth, *Voyage au Mont Caucase et en Géorgie*, II, p. 249.

[47] *Leontovič, Adaty kavkazskich gorcev*, II, p. 12, § 10; p. 14, § 27; p. 16, § 40.

[48] "Ekonomičeskij i domašnij byt žitelej gorskago učastka inguševskago okruga," SSKG, III (1870), p. 21.

[49] R. Lowie, *Primitive Society*, p. 16.

[50] *op. cit.*, pp. 16 f.

[51] J. Reineggs, *Allgemeine historisch-topographische Beschreibung des Kaukasus*, II, p. 9; Ladyženskij, FT, p. 198.

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blood-relatives, and although the Ingushi are now Mohammedans they still insist on observing their ancient customary laws rather than the *šarī'a*.[52] The other Chechen tribes are likewise strict exogamists.[53]

The Lesghians however, unlike all other North Caucasians, are, or at least have been till recently, strict endogamists. In their insistance on marriages exclusively within the sib, the Lesghians differ not only from the other North Caucasians but also from the mountain tribes of SOUTH CAUCASIA: the Khevsurs,[54] the Pshavs,[55] the Tushi,[56] and the Svans.[57]

In this regard the Lesghians differ also from their non-Caucasian neighbours. Among the OSSETES even the remotest blood-relationship (usually all living in the same village and bearing the same family name)[58] impedes marriage.[59]

The neighbouring TARTAR tribes are also exogamous.[60] The KALMUCKS may indeed marry within their community but only with non-relatives.[61]

To come back to the Lesghians—the reliability of the reports about their still being strictly endogamous in the nineteenth century is unquestionable. Klaproth, despite his many literary thefts, is generally reliable. He assures us that the Dido "disregard all degrees of consanguinity."[62] L'vov[63] and Abercromby[64] observed the same custom among the Avars. The latter author writes, "With regard to degrees of consanguinity, an Avar is permitted to marry his first cousin or two sisters." Our most reliable sources are Kovalevskij and Egiasarov, on whom Kovalevskij largely depends.[65] In Kovalevskij's *Zakon i obyčaj na Kavkazě* we read that Cvětkov, a government official in Daghestan in 1869, maintained that in the Kurin Province absolutely no marriage was possible outside of one's own *tukhum* (sib). Sotnikov claims that such is the case

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[52] N. Jakovlev, *Ingali*, (Moscow, 1925), p. 49.

[53] M. Kovalevskij, *Coutume contemporaine et loi ancienne*, p. 196.

[54] Essad-Bey, *Der Kaukasus. Seine Berge, Völker und Geschichte*, p. 267.

[55] M. Kovalevskij, *Zakon i Obyčaj na Kavkazě*, II, p. 142.

[56] M. Kovalevskij, *Coutume contemp.*, p. 196.

[57] *ibid.*

[58] When a family breaks from its sib and moves into a strange village, it gradually begins to feel closely related to its new neighbours, sometimes even more closely than to actual blood-relatives who live farther away. Such a family may even change its name and begin to call itself after the sib in whose community it now lives. The tendency of local solidarity to supplant the solidarity of the sib is noticeable throughout the Caucasus. Cf. A. Ladyženskij, "Entstehung und Entwicklung des Staates bei den Bergvölkern des Kaukasus," *Zeitschrift für Völkerpsychologie und Soziologie*, VI (1930), pp. 436, 439, 444. How soon such families would become "blood-relatives" to such a degree that intermarriage would be considered incestuous has still to be investigated by the fieldworkers.

[59] M. Kovalevskij, *Coutume contemp.*, pp. 196, 335.

[60] M. Kovalevskij, l. c.

[61] R. Erckert, *Der Kaukasus*, p. 37.

[62] *Voyage au Mont Caucase et en Géorgie*, II, p. 74.

[63] "Domašnjaja i semejnaja žizn Dagestanskich Gorcev Avarskago Okruga," SSKG, III (1870), p. 18.

[64] *A Trip through the Eastern Caucasus*, p. 97. Unfortunately Abercromby fails to specify whether they were only *permitted* to marry blood-relatives or actually obliged to do so.

[65] M. Kovalevskij, *Zakon*, II, p. 142; *Coutume contemp.*, l. c. Egiasarov's article is not at my disposal, hence I am relying on Kovalevskij's faithful citation of the author.

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in Kaitag, and of the Tabassaranians he is able to say: "Up to the present there have been no instances of anyone freely separating himself from his *tukhum*. The people are convinced that such an action would be impossible, unthinkable, certainly the most abominable disgrace imagineable." In the Province of Dargwa (according to Popov) the *tukhum* does not even have the authority to expel an illegitimate member, much less permit a fully-fledged member to separate from the others freely. Of all the provinces in South Daghestan only the adats of Tsakhur admit marriages with outsiders, but only by way of exception. Thus, according to Akhtinian and Rutulian customary law, a sib may marry one of their girls to a groom belonging to another *tukhum*, but only if the groom's sib is in danger of extinction.[66] But even in this extreme case an important *conditio sine qua non* is added: the children born of this marriage must be named not after the father's, but, strangely enough, after the mother's sib.[67]

In most cases local exogamy will coincide with consanguineous exogamy, because generally the Caucasian *auls* are sib-villages, that is, inhabited by people with the same family name who consider themselves related to one another. The questions of local exogamy and cross-cousin marriages have still to be investigated by the fieldworker.

Endogamy is not a sign of primitiveness. On the contrary, it thrives where social ranks are of paramount importance.[68] But the Lesghians, as we shall soon learn (*infra*, pp. 61 ff), are virtually classless and therefore endogamy seems out of place. We cannot attribute the practice to Islamism; for Mohammedanism may indeed *permit* consanguineous mating but it does not *prescribe* it. We may therefore rightly expect to find the solution to the riddle in pre-Islamic times.

We have said that the Southern Caucasians are strict exogamists. That is true, but there has been a time when the Georgians, the neighbours of the Lesghian peoples, were endogamists.

In the Georgian chronicles of King Vakhtang, which speak of the times of Nabuchodonosor, we read (after Brosset, *Additions*, p. 31), "Les plus abominable coutumes s'introduisirent, dans les mariages, on n'avait aucun égard à la parenté, on mangeait tout ce qui a vie, on n'ensevelissait point les morts et l'on dévorait les cadavres!"[69] And according to the legend about Alexander's march into the Caucasus as found in the Georgian chronicles (after Brosset, *Histoire de la Géorgie*, I, p. 33): "Étant venu dans le Karthli, il trouve chez tous les Géorgiens des coutumes plus abominables que chez aucun peuple. En effet les mariages et la débauche s'y pratiquaient sans égard à la parenté, on mangeait de tout ce qui avait vie, on dévorait les cadavres."[70] Moreover, Tacitus (*Annales*, xii. 46) gives us a good example of a next-of-kin marriage in a Georgian royal family in Iberia. Moses of Chorene (iii, 20) and Faustus of

[66] M. Kovalevskij, *Zakon*, II, pp. 144 f.
[67] M. Kovalevskij, *Zakon*, II, p. 172.
[68] R. Lowie, *Primitive Society*, pp. 16 f.
[69] Cf. O. G. von Wesendonk, "Über georgisches Heidentum," *Caucasica*, I (1924), p. 6.
[70] Cf. Wesendonk, *op. cit.*, 61 f.

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Byzantia (iv. 4) establish the existence of endogamy in Armenia, while the present-day local endogamy of Svanetia may very well be a vestige of former in-breeding.[71]

There are two facts which we can deduce from the existence of endogamy in Georgia and Armenia. First of all, we are justified in looking for a *common* source of endogamy for Georgia, Armenia, and Daghestan. Secondly, we are justified in looking for this source in *pre-Christian* times, that is, before the Christianization of Georgia in the fourth century.

The origin of endogamy in all three countries must, as it seems, be sought in Iran.[72] Endogamy among the peoples of Daghestan is a survival of the ancient Avestic religion, which the Mohammedan missionaries had to combat when they came to spread the teaching of the Prophet.

In the Mazdaic creed (*Yasna* xii. 9) we find the *xvaêtvadatha* (Pahlavi *xvêtôkdas*) as an obligation. Originally the *xvaêtvadatha* ("next-of-kin marriage") aimed at preserving the purity of blood of the Iranian nobility, which was numerically weak and could be perpetuated only by in-breeding. The priests formed, in much the same way, a distinct class and cooperated with the nobility in fostering endogamous marriages. Once the custom had been firmly established, it was not difficult to attribute it to Ahura Mazda Himself and to His Prophet Zarathustra.[73]

That the *xvaêtvadatha* was an important doctrine cannot be denied and hence this all-important teaching could not have been disregarded when the Avesta was introduced into the Caucasus. It must have been taught to the converts and accepted by them, for the *xvaêtvadatha* is one of the surest marks of genuine piety in the coming days of evil; by it mortal sin is expiated; it is a bulwark against the attacks of the demons; it is the second of the seven good works; it is the ninth of the thirty-three ways of entering heaven; and lastly, Zarathustra is supposed to have prescribed it as the eighth of his ten admonitions to mankind and declared it meritorious. In fact the next-of-kin marriage is supposed to be the source of "complete progress in the world... even unto the time of the renovation of the universe." (*Dâtistân-î Dînîk* lxxvii. 6 f).[74]

If we wish to delve deeper into the history of Caucasian endogamy, we must first face a very difficult problem, a task which in fact we shall have to leave to specialists. The problem regarding the origin of next-of-kin marriages in Avestic Iran itself is controverted. Some believe it is genuinely Persian while others maintain that its ultimate source is a non-Indo-European people (perhaps of Magian origin and therefore neither Indo-European nor Semitic).[75]

That endogamy should survive in Daghestan and disappear in Georgia and Armenia is not to be wondered at. Christianization of the two latter countries was incomparably more thorough than the Islamization of the Lesghian mountain peoples.

[71] Cf. Wesendonk, *op. cit.*, p. 62.
[72] Here we fully agree with M. Kovalevskij, *Zakon*, I, p. 89.
[73] Cf. L. H. Gray, "Marriage (Iranian)," *Hasting Encyclopedia of Religion and Ethics*, p. 458.
[74] Cf. L. H. Gray, *op. cit.*, p. 457.
[75] L. H. Gray, *op. cit.*, p. 458.

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ghian mountain peoples. Early ecclesiastical law of Georgia and Armenia attacked next-of-kin marriages with great vehemence, while Islamic law *permitted* the Daghestanians to continue the practice, except, of course, the brother-sister marriages. The Armenian National Council of Ashtishat (A. D. 365) prohibited all marriages in the lateral line up to the third degree of relationship.[76] Later even fourth degree relatives were excluded from mating, while other Church decrees and tradition considered marriages between relatives even up to the seventh degree as incestuous.[77] Islamic law on the contrary, permitted first-cousin marriages.[78] Moreover the local and linguistic isolation of the Lesghian tribes and constant family-feuds favoured endogamy. Today there are about 30 distinct languages in Daghestan and formerly there must have been many more, not to mention the numerous dialects. Some languages are spoken by as few as a thousand people, or as is the case with the Nakhada by only one hundred and thirty-five persons.

Although the Iranian culture area extended beyond North Caucasia, we have no evidence of the existence of the next-of-kin marriages in Northwest and Northcentral Caucasus. What kept the Cherkess and the Abkhaz from falling into line with their Eastern and Southern neighbours, or what has contributed to its early death after endogamy had been introduced, is not easy to say. The greater geographical remoteness from the centres of endogamy (Egypt, Sumeria, Elam, Arabia and Persia are the classical regions for brother-sister marriages), the well-established aristocracy with no danger of extinction, the strong, proud tradition regarding incest, the great respect for their own *adats*, the example of the élite of the Caucasus (the Kabardians), and Christianity seem to have been the main factors involved. We do not know if endogamy has ever existed among the Chechens.

2. The Impediment of Affinity

By an impediment of affinity we understand that degree of propinquity between a husband and a female relative of his wife or between a wife and a male relative of her husband which by law or custom is a bar to marriage. This particular impediment has not yet been sufficiently investigated by the field-workers; however we shall treat of this impediment indirectly when speaking of the levirate, sororate, and widow inheritance.

3. The Impediments of Fictitious Kinships

By fictitious kinship we understand any relationship based on grounds other than consanguinity or affinity. To what extent do such artificial kinships bar two Caucasians from mating? Fieldworkers have indeed investigated the various forms of fictitious kinship, but, unfortunately, not in relation to mating. There is still much to be done in regard to this important impediment.

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[76] Klidschian, "Das armenische Eherecht," *Zeitschrift f. vergl. Rechtsw.*, XXV (1911), p. 332 ff.

[77] Zdenko Vinski, "*Die südslavische Grossfamilie in ihrer Beziehung zum asiatischen Grossraum*," p. 138 (MS).

[78] G. Bergsträsser, *Grundzüge des islamischen Rechts*, p. 82.

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(1) The *Kunak*-relationship is a contract between two men of different localities according to which they are obliged to offer mutual hospitality and protection whenever the occasion lends itself. Whenever a Caucasian passes near a fellow-*kunak's* village while travelling, he will infallibly pay him a visit and will lodge with him at least for the night. Restaurants, inns, and hotels are unknown among the mountaineers; the institution of *kunak*-relationship is however, an excellent substitute. Any offense committed against the guest will be avenged as if it were against one of the family. In fact, the bond that unites the *kunaks* is considered as sacred as, if not more sacred than, the family tie. The institution is found throughout North Caucasia.[79] The question whether members of the two families may intermarry or not seems to have been overlooked by the fieldworkers. It may very well be that such marriages are even preferred. We know for certain that such marriages are not barred in Ossetia.[80]

(2) Another form of fictious kinship is the *tlenth*.[81] According to Longworth it constitutes an impediment. The Cherkess, we are told, take an oath among themselves and become "brothers," and "to strengthen the illusion of their being such, their families are not allowed to intermarry; a regulation so rigidly observed, that even where the society is composed of many thousands, as in the case of the powerful one of Narquo, it still holds good, and a marriage between two individuals of it is looked upon as incestuous".[82]

(3) *Relationship by milk (parenté de lait, Milchverwandtschaft)* is a widespread institution. There are two ways in which the relationship can be formed: either by actual breast-sucking or by mere contact of the lips and breast of a woman.[83] The kinship thus formed is as sacred as that of consanguinity. Karginov describes how an Ossetine lover was once forced to kiss the breast of his beloved, the aim of the act being to put an end to their adulterous friendship, for once his lips would touch her breast he would become her "son." From that moment on intercourse and marriage would be looked upon as incestuous.[84] Gaerber wrote in 1728: "Whenever the Usmei has a son, he is carried round from village to village, and alternately suckled by every woman who has a child at her breast until he is weaned. This custom, by establishing a kind of brotherhood between the prince and his subjects, singularly endears

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[79] An excellent description of the *kunak*-relationship can be found in Dirr's article, "Aus dem Gewohnheitsrecht der kaukasischen Bergvölker," *Zeitschr. f. vergl. Rechtsw.*, XLI (1925). See also Interiano, *Della vita dei Zychi, chiamati Circassi*, Ramusio, II (1559), folio 140 v. M. Kovalevskij, *Coutume contemp.*, p. 190: Ossetes, Tartars, Kumyks have the practice too. N. Jakovlev, *Ingušī*, pp. 15—25.
Grabovskij, "Ekonomičeskij i domašnij byt žitelej gorskago učastka Inguševskago okruga," SSKG, III (1870), pp. 4—7.
A. P. Berže, *Čečnja i Čečency*, pp. 86 f.
The host will even give up his life for his guest; see R. Erckert, *Der Kaukasus*, p. 108.

[80] M. Kovalevskij, *Coutume contemp.*, p. 214.

[81] For possible origin of the practice and ceremonies connected with the institution see V. V. Vasil'kov, "Očerk byta temirgoevcev," SMOMPK, XXIX (1901), No. 1, pp. 80 f.

[82] *A Year among the Circassians*, I, p. 229.

[83] Dubrovin, *Istorija*, Tome I, Bk. 1, pp. 439 f.

[84] S. Karginov, "Krovavaja mest' u osetin," SMOMPK, XLIV (1914), No. 3, p. 283.

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582 603 853 [628] them to each other."[85] The Utsmi or Usmi were rulers of Kaitag, said to date from the Arab conquest in the eighth century or soon after.[86] The custom of the Usmi did more than merely endear the baby prince to his subjects. The inhabitants actually considered the prince their foster-brother and for him they were ready to die, for milk-relationship implied as strong a tie as that of consanguinity.[87] The anonymous *Tagebuch* (p. 59)[88] gives us another example: an Ingush "murderer of an only son flies to the mother and, dagger in hand, compels her to give him her breast. Other relatives demand blood-revenge, but the woman, whose right it is to decide, says 'now that he has sucked my breast, if you kill him I lose *two* sons,' and the murderer's life is spared."[89]

Both forms of adoption, by actual and by ceremonial breastsucking, are in full accord with the *šarī'a*. According to the Koran, iv. 27, relationship by milk constitutes an impediment as stringent as that of blood propinquity. Excluded from marriage are the woman and her adopted child; the child and all those suckled by the same woman; the child with all his descendents and the woman who suckled him with all her milk and blood relatives and those of her husband. Such kinship is known in Islamic law as *raḍâ* or *raḍâ'h*[90]

It is difficult to determine just in how far the Caucasian practice is dependent on that of Islamism. The explorers and *adat* collectors fail to tell us to what degree marriage between milk-relatives is looked upon as incestuous. In all probability the institution existed in the Caucasus long before the introduction of the Koran. It seems to be pre-Islamic for various reasons. First of all, the custom is not limited to Mohammedan Caucasians but is found among Christian tribes as well, for example in Armenia.[91] Moreover it is very difficult to imagine that a *mere* ceremony, and a *foreign* one at that, could dispense a Caucasian from the most sacred obligation of avenging the blood of a murdered relative. Anyone who has studied Caucasian customary law will admit that perhaps no *adats* are so unchangeable as those regarding blood-feuds. It is unintelligible how an imported ceremony, especially among tribes that have been converted to Islamism rather recently and then only half-heartedly, could change these almost unchangeable *adats*. Finally, relationship by milk is neither an Islamic invention nor restricted to Mohammedan countries (it is found, for example, also among the nomadic peoples of Asia); it could exist in the Caucasus independently of Mohammedanism too.

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[85] G. Ellis, *Memoir of a map of the countries comprehended between the Black Sea and the Caspian nations and vocabularies of their languages*, London, 1788, pp. 40 f.

[86] Baddeley, *The Rugged Flanks of Caucasus*, II, p. 18, note. Ellis, *l. c.*

[87] Baddeley, *l. c.*

[88] *Tagebuch einer Reise, die im Jahr 1781 von der Gränzfestung Mosdok nach dem innern Caucasus unternommen worden*, Leipzig and St. Petersburg, 1797. A certain Steder is the author.

[89] Baddeley, *op. cit.*, I, p. 262.
U. Laudaev, "Primĕčanija k statĕ čečenskoe plemja," SMOMPK, VI (1872), p. 50.

[90] Th. W. Juynboll, *Handbuch des islâmischen Gesetzes nach der Lehre der schâfitischen Schule nebst einer allgemeinen Einleitung*, p. 219.

[91] Baddeley, *op. cit.*, I, p. 263.

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(4) The *atalyk* is a form of adoption once spread among all mountain tribes of North Caucasus,[92] the Ossetes,[93] the Tartars, e. g., the Kumyks.[94] We still find it today among the Kabardians, but the practice has become rare.[95] Soon after birth,[96] or, as some authors claimed, at the age of seven or twelve, the prince or princess is received into a noble family to be brought up by foster-parents. The prince is taught to ride, to be brave, eloquent and polite, and to steal. When he is old enough to carry arms, he returns to his father.[97] Princesses are usually poorly nourished, for slenderness may not be divorced from the dignity of a princess. She is taught by her foster-mother how to embroider, weave, make straw mats and baskets.[98] She may not be seen by her parents until her marriage, and it is the right of the foster-father to select a mate for her.[99] The *atalyk* is usually restricted to the upper classes,[100] the foster-parents being chosen from the next (lower) class.[101] The relation between the foster-child and the educator is as intimate and as sacred as actual blood-relationship, if indeed not more so. Sometimes a foster-child will take revenge on his own father to repair an injury done to his adopted family.[102] Marriage between the foster-child and a member of the educator's family are, of course, prohibited. We are unable to say to what degree: on the one hand, the older explorers failed to inquire into *adats* regarding this prohibition; while, on the other hand, the institution has practically disappeared, so that now it is impossible to ascertain the degree through new enquiries.[103] The *atalyk* is perhaps a pre-Islamic institution borrowed from the Turco-Mongols.

(5) We find several other forms of adoption in the Caucasus. Islamic law does not recognize any impediment arising from adoption, except, of course,

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[92] Ladyženskij, FT, p. 200.
M. Kovalevskij, *Coutume contemp.*, p. 191.

[93] Leontovič, II, pp. 252 f, §§ 152—160.

[94] M. Kovalevskij, *l. c.*

[95] Ladyženskij, *l. c.*

[96] P. S. Pallas, *Bemerkungen auf einer Reise in die südlichen Statthalterschaften des russischen Reichs 1793—1794*, I, p. 388;
J. Mourier, *Guide au Caucase*, Part I, p. 137;
J. Klaproth, "Voyage au Caucase," *Nouvelle Bibliotheque*, Tome XI, p. 170;
Ladyženskij, *l. c.*

[97] Ellis, *Memoir of a Map etc.*, pp. 22 f; Pallas, *l. c.*

[98] Pallas, *op. cit.*, I, p. 389.

[99] Pallas, *op. cit.*, I, p. 388 f.

[100] Ladyženskij, *l. c.* Digorian *farsagleg* class (*infra*, pp. 63 f) has the custom too; cf. Kovalevskij, *Coutume contemp.*, pp. 212 f.

[101] Leontovič, II, pp. 252 f., §§ 152—160.

[102] Ladyženskij, *l. c.*

[103] The *atalyk* was a means of reconciliation after a murder had been committed. The murderer would kidnap a child of the victim and become its foster-father, thus making revenge impossible. (Baddeley, *op. cit.*, I, p. 262; Ladyženskij, *l. c.*; Leontovič, I, p. 140; Dirr, AGKB, p. 43.) Reineggs however gives an example of such an adopted son who was constantly waiting for an opportunity to carry out his sacred obligation of vengeance, regardless of fosterage (*Allgemeine historisch-topographische Beschreibung des Kaukasus*, I, pp. 221 f.). For more about the *atalyk* see the authors cited and N. Danilewski, *Der Kaukasus*, pp. 120—125.

582 relationship by milk. As is well known, Mohammed had an adopted son, his
597 own emancipated slave named Zaid ibn Hâritah, who had a beautiful wife, at least beautiful in the eyes of the Prophet. Mohammed persuaded Zaid to divorce her and thus to make it possible for the Prophet to marry her. The faithful, however, were greatly scandalized, for the "sinless" Prophet married the wife of his "son". Mohammed seemed to have no way of extricating himself from this awkward position, but fortunately Allah had pity on him and favoured him with another revelation according to which all fosterage is sinful and non-existent. If anyone dares to call another person by the name of "father" and if that person did not actually beget him, he will infallibly be cursed by Allah and all His Angels.[104] In the Caucasus children are adopted and, as is the case with the Cherkess today, enjoy the full and equal rights of natural sons and daughters.[105] M. Kovalevskij found adoption in practice among the Ossetes. Here too the adopted son would be regarded as a true "son" who was able to perpetuate the family.[106] Formerly fictitious relationship could arise among the Cherkess by a mere pronouncement of the formula, "I adopt you," or "You are my daughter," or "You are my sister." From that moment the person adopted would have to consider the relatives of the person who pronounced the formula, as his own. A murderer could form a fictitious relationship in Ossetia by consecrating himself to his victim in a special ceremony at his grave.[107] Among the Ossetes adoption sometimes took place before the mother of the family. The person to be adopted would say to her, "From today on you are my mother; I am your son." The mother would then uncover her breast and answer, "I am your mother; you are my son."[108] As is only to be expected, adoption occurs very rarely, in fact only in extreme necessity to prevent extinction of the family. Adoption cannot be frequent because the mountaineers insist on purity of blood, and to adopt a child unnecessarily would imply giving away family property to a fictitious member.[109] Owing to the lack of data, we can only call the attention of the fieldworker to the following two problems: firstly, exactly *which* tribes consider adoption an impediment to mating; secondly, to which degree of fictitious relationship.

4. Disparity of Social Rank

505 We now come to the obligation of marrying exclusively within one's own
[582] social rank. But before we can begin to speak of this form of endogamy we must briefly describe the social stratification in the Caucasus.

The NORTHWESTERNERS. The *Abkhazian* society was formerly divided into four distinct classes: (1) the princes, (2) the *Chinakma*, i. e., the

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[104] Koran, xxxiii, 5. Cf. J. Henninger, *Die Familie bei den heutigen Beduinen Arabiens und seiner Randgebiete*, Leiden, 1943, p. 64. Juynboll, *op. cit.*, p. 187. R. Roberts, *Das Familien-, Sklaven- und Erbrecht im Qorân*, Leipzig, 1908, pp. 39 ff.

[105] Ladyženskij, FT, p. 202.

[106] Kovalevskij, *Coutume contemp.*, p. 203.

[107] Kovalevskij, *op. cit.*, p. 204.

[108] *ibid.*

[109] Kovalevskij, *op. cit.*, p. 203.

565 (1) The upper class, known as *uzdenleg*, the *aldars*,[146] though forming a kind of nobility, cannot be compared with the Kabardian nobles because *any* Tagaurian sib could work itself up to the top of the social ladder through wealth or number.[147] In Digoria the upper class were known as *badulyats*.

(2) The middle class people or *farsagleg* were the free tenants.

[595] (3) The *kavdassiarts* were all those born of a secondary wife *(numulus)* or of a concubine. They formed what might be called a bondsmen's class.[148]

[567] (4) The slaves or *gurziag (gurdziag)* is a word derived from "a Georgian," clearly showing that the slaves were mainly prisoners taken in war and raids.

We find similar social ranking among the neighbouring TURCO-MONGOLS. The Kumyks were formerly divided into three classes: (1) the nobles of the first, second, and third order *(uzden)*; (2) the bondsmen or *chagars*; (3) the slaves or *kuls*.[149] The Karachai used to be divided into four classes:[150] (1) the princes *(tav big)*; (2) nobles *(kara-uzden)*; (3) serfs *(ilgyly-kul)*; (4) slaves *(ilglysizkul)*. The Turkomans of Stavropol Government, while still nomads, were perhaps the most classless of all peoples inhabiting the Caucasus, even more so than the Alaghirs and the Chechens.[151] The Kalmucks are divided into three main social ranks: the nobles *(taisan)*, the clergy, and the commoners *(aimak)*.[152]

Now that we have learned the social ranks as they existed before the abolition of slavery in 1867, we are in a position to study the affects of social stratification on mating.

565 582 The NORTHWESTERN CAUCASIANS. We cannot help marvelling at the complicated ranking of the *Cherkess* society. When feudalism was at its height in Circassia, not only were inter-class marriages impossible, but even marriages between persons from different subdivisions of the same class and even between persons of different sub-subdivisions of the same subdivision. Thus a nobleman might not marry a girl unless her family had been raised to nobility about the same time as his.[153] A very similar situation prevailed in *Abkhazia*.[154]

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[146] They could own land and slaves.

[147] Ladyženskij, *op. cit.*, pp. 439 f.

[148] *Kavdassiart* means literally "one born in a stable," while *numulus* means "a nominal or illegitimate wife."

[149] The bondsmen were originally free land-owners, who later became bondsmen by falling into debts which they were unable to pay off. As a result they became subject to their lords even much more than were the Ossetine *farsagleg*, for the latter had the right to abandon their masters while the *chagars* enjoyed no such right.
For more about the Kumykian social ranks see Ladyženskij, *op. cit.*, pp. 33—37.

[150] For a full description of feudalism among the Karachai in the nineteenth century see E. N. Scudeneckaja, "K voprosu o feodalizme i rabstve v Karačae XIX v.," SE, 1937, No. 2—3, pp. 45.

[151] Ladyženskij, *op. cit.*, p. 443.

[152] Zichy, *Kaukázusi-ès középázsiai utazásai*, p. 30. (Part I.)

[153] Reinegg, *op. cit.*, I, p. 252. Longworth, *A Year among the* Circassians, I, pp. 228, 278.

[154] P. I. Kovalevskij, *Kavkaz, Narody Kavkaza*, p. 35.

1 n [among the Tagaurians in southern Caucasia--Analyst]

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It is true that a change in this ancient and once inviolable law has since taken place.[155] However, it would be wrong to imagine that under the strong Soviet influence of today all traces of a mating inpediment have necessarily disappeared. No doubt, a mating impediment no longer exists *officially*, but it is still observed in practice.[156]

The NORTHEASTERN CAUCASIANS. The *Chechens* chose mates with practically no concern about social rank. After all they had only two classes, the free and the slaves, and the latter could easily be emancipated by paying a ransom or even by marriage itself. Not the social rank as such but an appropriate bride-price was of importance.[157]

Strictly speaking, disparity of social rank did not constitute a mating impediment among the Lesghians either. In parts of Daghestan where the society was definitely stratified, marriages between members of different classes were indeed strongly discouraged but not to the extent that they were impossible.[158] About a hundred years ago Sveičin[159] observed that "an Avar khan may marry a daughter of a *bek*, a bek may marry a daughter of an *uzden*" and a commoner may marry a slave if the latter is willing to accept Mohammedanism. Sometimes a family of an upper class marries one of their sons to a girl of a lower class or a widow in order to acquire an additional worker or to replace a hired servant.[160] It is interesting to note the similarity between the Avarian "servant-wife" and the Ossetine *numulus*. In both cases the marriage is juridically valid, although inferior. In the case of the "servant-wife" the family encourage her husband to avoid and despise her. In both cases children born of the marriage inherit the social rank of the mother. In a word, marriages between individuals of different classes, though discouraged, are not prohibited. Dubrovin assures us that such marriages were only of rare occurrence in Ossetia.[161] The following table shows the rank of a child born of such interclass unions among the Ossetes.

The TURCO-TARTARS of the Caucasus insist on equality of rank.[162] Among the Nogai interclass marriages are extremely rare.[163]

In regard to the stringency of the rule we may, in conclusion, divide the entire Caucasus into three zones: (1) an Abkhaz-Cherkess-Georgian zone, (2) a Chechen zone and (3) a Lesghian zone. The most feudalistic society existed in the first zone and it was there that the impediment of disparity of social rank was insisted upon most of all. The "Chechen Zone" was the most classless

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[155] Baddeley, *op. cit.*, II, p. 225.

[156] As Ladyženskij observed in 1927: "So z. B. sind wohl die Stände abgeschafft, aber einer der Beamten des Aulispolkom wurde entlassen, weil einer seiner Verwandten sich mit einer armen ehemaligen Adeligen verheiratet hatte... Klassenzugehörigkeit wird noch mit Standeszugehörigkeit verwechselt." (Ladyženskij, FT, pp. 191 f.)

[157] *Infra*, pp. 83 ff.

[158] Kovalevskij, Zakon, II, pp. 169 f.

[159] "Očerk narodonaselenija, nravov i obyčaev Dagestancev," ZKO, II (1853), pp. 54—65.

[160] N. L'vov, "Domašnjaja si semjnaja žizn etc.," p. 19.

[161] *Istorija*, Tome I, Bk. I, p. 329.

[162] In regard to Kumyks see Dubrovin, *Istorija*, Tome I, Bk. I, p. 637, and Gadži-Magoma-Debirov, "Dagestanskija predanija i suevěrija," SMOMPK, IV (1884), No. 2, p. 31.

[163] Dubrovin, *Istorija*, Tome I, Bk. I, p. 277.

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[858]

TABLE 7*

Social Rank of Ossete Child of an Interclass Marriage

Mother → / Father ↓ · Child ↘	*uzden*	*farsagleg*	*kavdassart*	*gurziag*
uzden	uzden	kavdassart	kavdassart	gurziag
farsag.	farsagleg	farsagleg	farsagleg	gurziag
kavdasj.	kavdassart	kavdassart	kavdassart	gurziag?** kavdassart?
gurziag	gurziag	gurziag (in Tagaursk child free)	gurziag	gurziag.

* This table is based on data found in Kovalevskij's *Coutume contemp.*, pp. 202 f.

** Is it gurziag or kavdassart? There seems to be a contradiction: on page 202 Kovalevskij maintains: "Ne peut naître d'un père kavdassard qu'un kavdassard, quelle que soit sa mère... Les kavdassards peuvent acheter et posséder les gourziaks qu'ils ont achetés; mais les enfants de ces gourziaks seront kavdassards, et appartiendront au propriétaire du kavdassard, c'est-a-dire, à l'ouzdanelag." On page 203 we find: "Les fils et les fille d'une esclave sont toujours esclaves, et, commes tels, dépourvus de tout droit."

(and here we may also include the majority of the Ossete tribes) and least insistent on marriages exclusively within one's own class. In fact we can almost say that the prohibition is non-existent in Chechnia and in the greater part of Ossetia. The "Lesghian Zone" occupies a middle position between these two extremes.

5. Other Forms of Endogamy and Exogamy

562 We do not maintain to have exhausted the possibilities of endogamy-exogamy regulations. These possibilities, however, have been more or less overlooked by the explorers. We refer, for examples, to the marriage impediments arising from disparity of occupation, disparity of cult, disparity of nationality. We know, for instance, that the Kabardians freely intermarry with the Russians and Karachai,[184] and that they marry any non-Cherkess, especially if the other party is a Mohammedan or is willing to accept the Islamic religion,[185] but is that the situation everywhere in the Caucasus? Till more fieldwork is [608] done, such questions will have to remain unanswered. Midwives are sometimes considered related to the new-born, but we do not know how widespread the custom actually is. In regard to the impediment of disparity of cult we know that the Koran, ii. 20 f admonishes the Muslim: "Marry not a heathen woman before she be converted: a believing slave is much better even if she doth not please thee... The heathen woman will lead thee to hell, but Allah calleth thee to Paradise..." How strictly do the Islamic Caucasians observe this precept? There are doubtless many more lacunae that only the trained and exact fieldworker can fill.

[184] Ladyženskij, FT, p. 191.

[185] Ladyženskij, FT, p. 198

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§ 3. OTHER MATING IMPEDIMENTS

1. Age

We are aware of no adat in North Caucasia prescribing marriage within one's own age class, nor does any adat establish a minimum marriage age. Islamic law sets no minimum age either. Mohammed himself did not hesitate to marry a six-year-old girl.[166] Marriage is, therefore, possible *(de jure)* at all ages. The following table indicates the *usual* marriage age.

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TABLE 8

The Usual Marriage Age

	Peoples	Approximate age of groom	Approximate age of bride	Sources
Northwest.	Abkhaz and Cherkess	In mts. 18—25; elsewhere earlier.	In mts. 15—20; elsewhere earlier.	Ladyženskij, FT, 196. Castagné, 258. Vasil'kov, p. 89.
Northeast.	Chechens	20		Jakovlev, *Ingush*, 48.
		17	12—15	Dubrovin, I, i, 427.
	Lesghians (Avars)	15	15	L'vov, 17.
Southerners	Khevsurs	very young! 14?	20 and above	Hahn, *Bilder aus K.*, p. 82.
	Tushi	14—15	20—25	Byhan, 114.
	Pshavs	20—40	20—30	Makalatija*, 100.
	Other Georgians.	Formerly 15; today 16 and over	13—14	Byhan, 81. Mtavriev**, 149.
OSSETES		25	19	Hahn, op. cit., 40.
		minimum infancy	minimum 13—14	Dubois de Montpéreux, IV, 449.
KUMYKS			15	Semenov, 68.

* S. I. Makalatija, "Iz starogo narodnogo byta plavov," SE, 1938, No. 1, pp. 98—117.

** Th. Mtavriev, "Prostonarodnaja svad'ba v Kachetii," SMOMPK, XXXI (1902), No. 3, pp. 149—160.

[166] Juynboll, *op. cit.*, pp. 22 f.

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582 The NORTHWESTERN CAUCASIANS. No one will take it amiss if an old Kabardian marries a young girl. Although the Cherkess tribes along the coast of the Black Sea strongly discourage such pairing, disparity of age is not considered a marriage impediment.[167] While on his expedition in Circassia in 1927, Ladyženskij found no case of a young *man* marrying an old lady.[168]

Taking the Avars as an example of the NORTHEASTERNERS—marriages between rich old men of 50 to 60 and girls of 12 were not uncommon in the last part of the nineteenth century.[169]

Although neither customary nor Islamic law establish an absolute minimum age,[170] the *adats* sometime determine a *relative* marriage age. Thus a young man sometimes may not marry before his older brother, as is the case, for example among the Chechens[171] and the Cherkess.[172] Only if his brother happens to be [428] far from home and gives his explicit permission, may he marry. Anyone acting contrary to this customary law would *ipso facto* lose all rights to the family inheritance. In spite of this heavy sanction, the bride-price *(kalym)* would be paid for the offender and the marriage would be considered valid. The *adats* of the Cherkess are even stricter about girls marrying before their older sisters. To marry without her parents' permission before her older sister would bring upon her the curse of the family; in fact, they would even refuse the "filthy" brideprice. The motive behind these customs is to assure a marriage for the older members of the family before they become too old.[172a]

2. Debt as an Impediment

[428] According to the adat collection of the Dzher, Kist, Galgai, Tsori, Ingushi and Karabulak tribes a father may not give his daughter in marriage to anyone before he receives permission from his creditor.[173]

3. The Obligation of Proving One's Bravery before Marriage

171 582 Baddeley informs us of another very peculiar marriage impediment. "In Dzedo-land, formerly, no man would give his daughter or sister in marriage to a suitor who had not at least one Georgian right hand or arm nailed to the wall of his dwelling."[174] This was, no doubt, intended as a proof of the lover's mettle before the father of the girl would give his consent.[175] Such tests as a *conditio sine qua non* for marriage are found throughout the world, sometimes

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[167] Ladyženskij, FT, pp. 196 f. Castagné, *op. cit.*, p. 259.

[168] Ladyženskij, *op. cit.*, p. 196.

[169] L'vov, "Domusul'manja i semejnaja žizn' etc.," p. 20 *note*.

[170] This is especially evidenced by the widespread practice of infant betrothal and marriage in the North Caucasus and neighbourhood (*infra*, pp. 76, 78 ff).

[171] Erckert, *Der Kaukasus*, p. 138.

[172] Ladyženskij, *op. cit.*, p. 196.

[172a] *ibid.*

[173] Leontovič, II, p. 115, § 8.

[174] Baddeley, *The Rugged Flanks of Caucasus*, II, p. 81.

[175] This seems to have been a shortlived observance.

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consisting merely in killing a wild animal (*e. g.*, the Yukaghir) or sometimes in killing a man (*e. g.*, the Yoruba of West Africa).[176] Taibout de Marigny[177] describes how a Cherkess maiden would ridicule her would-be lover with the taunt "Why you haven't even stolen a cow yet and you want to marry me." And Herodotus, speaking of the Sauromatians, the probable ancestors of the Ossetes, informs us that the virgins could not marry till they had killed at least one enemy, or according to Hippocrates, three.[178] The Ossetine poet, Kosta Chetagurov, describes a custom of the nineteenth century according to which the suitor would have to live with his future bride's family from two to four weeks, during which time he would have to convince them that he is a true gentleman, clever, and reliable, in a word, possessing all qualities expected of a good husband.[179]

4. Impediments of Physical and Mental Deficiency

In Circassia venereal diseases, insanity, and impotency impede marriage.[180] The extent of these and similar impediments have unfortunately not yet been investigated.

5. Impediment of Divorce and Widowhood

The incapacity of a divorcée to contract a second marriage is indeed a very rare impediment and is usually only temporary. We find such an impediment in Armenia and in Khevsuria, and of these two cases we shall speak at length when treating the Caucasian divorce laws. A refusal to enter upon a levirate marriage may entail such an impediment (*infra*, pp. 71 f). In parts of Caucasus where Islamic law prevails there is of course the temporary prohibition for widows and divorcées to marry before their "waiting period" (*'iddah*) is over. When a husband dies, the widow is obliged to wait at least four months and ten days before she may remarry (Koran, ii. 234). A divorcée may not remarry before she has had three menstruations (*kurû*); in the case of older women, the *'iddah* is set at three months.[181]

Although customary law does not prohibit second marriages, they are looked upon everywhere in the Caucasus as inferior. The bride-price is considerably smaller and the nuptials take place without the customary solemnities.[182]

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[176] Cf. Briffault for other examples, *The Mothers*, II, pp. 184 f.

[177] *Voyage en Circassie 1835*, p. 55.

[178] Baddeley, *op. cit.*, I, p. 13, *note* 1.

[179] N. F. Takoeva, "Kosta Chetagurov—narodnyj poet osetin etnograf-kavkazoved," SE, 1949, No. 2, p. 125.

[180] Ladyženskij, FT, p. 199.

[181] Koran, ii. 228; lxv. 4. Cf. Juynboll, *op. cit.*, p. 222.

[182] *Infra*, pp. 121, 131.
See also O. Karanailov, "Aul Coch," SMOMPK, IV (1884), No. 2, p. 16. Vasil'kov, "Očerk byta temirgoevcev," SMOMPK, XXIX (1901), No. 1, p. 102.

6. Impediment Arising from Failure to Carry Out an Obligation of Vengeance

628 Vengeance is a sacred obligation among all the Mountain Tribes of Caucasus.
614 If a member of the sib is murdered or killed accidentally,[182] if a member of the family is raped or abducted, if the sacred hearth-chain is violated, or if the sib is offended seriously in any other way, the injured party incurs the strict and sacred obligation of vengeance. Self-defense calls for vengeance, for in the eyes of the mountaineers there is no competent authority common to the offender and the offended, who might compel the culprit's sib to repair the injury done. The blood of the victim, self-respect, and respect for the ancestors call for vengeance. Usually the nearest male relative of the victim has the obligation to kill the offender or one or more of his sib, depending on the local *adat*. Although the vendetta has become more a thing of the past, it still does occur now and then in our own days. Even today reconciliation (bloodwite) is regarded as a disgraceful exchange for the noble blood of a member of the family and at
● [582] times is refused.[184] Blood calls for blood alone! Even today, if a young mountaineer fails to carry out his sacred obligation of avenging an enemy (regardless of Soviet laws), he may have to remain single for the rest of his life, for no respectable girl would wish to marry him.[185]

[672] [182] If a passer-by is killed by a stone kicked down a cliff by a sheep or goat, the owner of the animal becomes the blood-enemy *(qanly)* of the victim's sib. For other examples of similar customary laws see Dirr, AGKB, p. 107. Even in our own days accidents may be punished by death. See A. H. Günther, "Zusammenstöße zwischen Gesetz und Gewohnheitsrecht im nördlichen Kaukasus," *Zeitschr. f. vergl. Rechtsw.*, XLVI (1931), pp. 332 ff.

[184] Günther, *op. cit.*, p. 329.

[185] Günther, *op. cit.*, p. 327. For blood-feuds in the Caucasus see the works of Dirr and Günther just cited, S. Karginov, "Krovavaja mest' u Osetin," SMOMPK, XLIV (1914), No. 3, and Berle, *Čečnja i Čečency*.

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Chapter III

Preferential Mating

§ 1. DESCRIPTION

Cross-cousin marriages, levirate and sororate are all preferential marriages. 582
By "preferential," however, we do not mean "optional." "Preferential" means "having a precedence" which may be optional or obligatory.

These three forms of preferential marriages are not the only forms known to man. There is, for example, another form, found in the Caucasus itself, the "step-mother marriages," and still others are possible.

The NORTHWEST CAUCASIANS. The *Cherkess* were still Christians 587
when Interiano wrote of them, "It sometimes happens that a native will kill his brother and then will immediately become the bedmate of the widow."[1] Olearius describes the levirate as practiced during the reign of King Alexander Michailovič (c. 1650).

According to Circassian *adats* levirate was obligatory at least for the widow. In the collection of customary laws of the Black Sea, Kuban and Terek Territories we learn that the widow was indeed obliged to marry the brother of her deceased husband, but only "if his brother so wished." If he insisted on taking her to wife, her only means of escape was to pledge herself for life to the care of her children, and thus to remain unmarried.[2]

The NORTHEASTERN CAUCASIAN. Count Potocki described the custom in his *Voyage dans les pays du Caucase* (1798) and adds the interesting remark that not only must the brother of the deceased man marry the widow but also a step-son must marry all his step-mothers. "After the death of the father," Potocki informs us, "his sons marry all his wives, except their own mother, whom one of the step-brothers marries. The Chechens reproach them for this infamous custom, but the Ingushi answer quite unconcernedly, 'My father was allowed to lie with my mother, why then may I not lie with his wife?'"[3] This "infamous custom" exists likewise among the neighbouring Daghestanians.[4] An *adat* dating from 1860 expressly states that in the Ingush Province "a widow was *bound* to marry her brother-in-law or another relative of the

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[1] Cited by R. Erckert, *Der Kaukasus*, p. 67.

[2] Leontovič, II, p. 254, § 171. The levirate is no longer obligatory (Dubrovin, *Istorija*, I, i, i, p. 170).

[3] Cited by Ladyženskij, FT, p. 186. See Potocki, *Voyage dans les steps d'Astrakhan et du Caucase*, II, p. 127.

[4] Cf. F. Nansen, *Through the Caucasus to the Volga*, p. 104.

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Chapter IV

Freedom of Choice

000 After we have shown which individuals are regarded as possible mates, we arrive at the second fundamental question: Who has the decisive word in selecting a definite mate from among the many possible ones? We shall have to answer such questions as: "Has the couple the decisive word?" "Has the young man more to say about his partner than the girl about hers?"

§ 1. THE RIGHT TO CHOOSE A MATE IN THEORY AND PRACTICE

584 [581] The NORTHWEST CAUCASIANS, the Abkhaz and the Cherkess, regard marriage as a family affair. It is not a contract between two *individuals* but between two *families*, joint-families or sibs. The male head of the household has the right to marry off his child to whomsoever he wishes.[1] He has the sole *right*; whether he *uses* that right or not is an entirely different matter.

When speaking about the actual practice we must make the necessary temporal and local distinctions. Before the Revolution the Kabardians, contrary to Hahn's superficial observations,[2] paid little attention to the wishes of their daughters, whereas the Shapsugs, Abadzekhs, and Bzhedukhs generally considered the girl's preferences and even tried to act accordingly. After the Revolution (1920), the Soviet régime refused to recognize any marriage unless it had been entered upon freely. To a large extent this legislation had the desired results, but not entirely, for compulsory marriages still occur today.[3]

Since there is less family interest in the girl than in the boy (the girl is married off into a *strange* family), it is not surprising that more consideration is given the future groom than the bride. But we do not wish to say that the preferences of the male children are always regarded more than those of the [582] female. Infant betrothal[4] has always been possible in Circassia and therefore there is no question of male children having a *right* to choose their mates. *De jure* both sexes are on the same level; *de facto* the wishes of the boys are generally complied with more than those of the girls.[5]

142 583 One can hardly pick up a book on the Cherkess without coming across a paragraph or two about the unusual beauty of their women. Some authors go

[1] V. V. Vasil'kov, "Očerk byta temirgoevcev," SMOMPK, XXIX (1901), No. 1, p. 99.

[2] C. Hahn, *Kaukasische Reisen und Studien*, p. 39. The questioning of the bride was a mere formality.

[3] Ladyženskij, FT, p. 197. Castagné, *op. cit.*, 1929, No. 2, p. 259.

[4] N. Dubrovin, *Istorija*, I, i, p. 139.

[5] Ladyženskij, *l. c.*

p. 76 1 [sic -- Analyst]

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turn, must have stimulated the entire family to watch most carefully over the conduct of their daughters; and this watchfulness, again, must have been responsible for *adats* threatening the girl as well as any lover with the most severe sanctions not only for an actual perforation of the hymen but also, as the *adats* frequently express it, for any "suspicious approach."[109]

There have been other explanations offered for the virginity test. Westermarck, for instance, suggested masculine jealousy.[110] But this explanation is not applicable to the peoples of North Caucasia, for, as we have already mentioned, the sexual factor has very little significance in the selection of mates compared to the all-important economic, social, and religious factors. Such a jealousy, where mutual attraction matters so little, is unthinkable.[111]

(6) The custom of the bride thrice walking round the fireplace is an ancient wedding ceremony frequently found among pastoral tribes. As is well known, it was also the custom of the ancient Indo-Europeans. That one of the main wedding ceremonies in the Caucasus should take place at the fireplace is quite in keeping with the deep religious significance of the hearth. Among a large number of Caucasian mountain tribes, especially in North Ossetia, Ingushetia, and Daghestan, we find the custom of never allowing the fire in the hearth to die out, this practice being a form of cult for the dead.[112] The fire and especially the chain above it constitute a connection between the living and the departed. It forms a sacred asylum for any murderer, because as soon as he touches the chain the ancestors of the victim approve of the murderer's adoption into the family. The chain is the symbol of the family: to tear it down is regarded as one of the most abominable crimes imagineable, an insult to the living and dead members of the sib, which must be punished with death. The chain is a symbol of the family and therefore it must be buried with the last member of an extinct sib. To swear by the hearth-chain is an infallible sign that the person is saying the truth, for to do so falsely is unthinkable.[113] Such an oath would be a curse upon the entire sib and their ancestors. In other words, the ancient solidarity of the sib is intimately connected with the ancient religion of the North Caucasians, and the sanctuary of this religion is the hearth. Now, marriage is an act by which a stranger is taken into the family, and one of the most natural means, most in harmony with the ancient Caucasian form of life, is the hearth and hearth-chain. It is indeed striking that in Daghestan the cult of the fireplace still exists today but not the wedding ceremony. This fact confirms rather than disproves our explanation, for in Daghestan the wife was not a stranger: she had to be chosen from within the sib! (Cf. *supra*, pp. 51 f.)

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[109] *Infra*, Chapter XII, p. 176.

[110] The History of Marriage, I, p. 163.

[111] The jealousy would have to be so great that the disappointed husband would insist that the bride's nose be cut off or that she be otherwise mutilated and even killed, for such are the ancient adats!

[112] Günther, "Zusammenstöße zwischen Gesetz und Gewohnheitsrecht im nördlichen Kaukasus," *Zeitschrift f. vergl. Rechtsw.*, XLVI (1931), p. 324.

[113] *ibid.*

1 [Sic--Analyst]

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Summing up the results of our comparitive[1] study we may say : 586

(1) It seems that at one time divorce was an exclusive right of the husband, almost everywhere in North Caucasus.

(2) Throughout the Caucasus, the husband has the right to dismiss his wife *at will*. The most arbitrary divorces are recognized by customary law as valid.

(3) The *adats* always make a distinction between a merely *valid* divorce and a divorce that is both valid and *justifiable*.

(4) Although the divorce rights enjoyed by the women do not equal those enjoyed by the men, the rights of the former have greatly increased, mainly through Islamic and Russian influence.

(5) The inequality lies mainly in the grounds which render a divorce justifiable.

(6) After a divorce the children remain with the father. In a word, the divorce laws are again typical of a patriarchal society.

In conclusion, it may be interesting to note how the fireplace, which played [778] such an important part in the marriage ceremonies of the North Caucasians, is not overlooked when a marriage is dissolved. By walking round the hearth three times, the new bride got in touch with the groom's ancestors and thus officially became a member of the household. Though the fireplace ceremony is very rare in Northeastern Caucasia, it seems to play an important part in the dissolution of marriage. Thus in certain localities of Daghestan, when a woman is declared divorced, she goes to the hearth, takes a handful of ashes and throws them into the wind.[44] It may very well be that the relation of the fireplace and divorce has been overlooked by the explorers. By scattering the ashes she is perhaps trying to undo what she did by walking round the fireplace on her wedding day or shortly after. Even though the two practices may not coincide today (i. e., locally), the possibility that they did coexist formerly is not excluded.

Finally, a word about an institution closely resembling divorce, mentioned 582 by J. G. Georgi in his *Beschreibung aller Nationen des russischen Reichs, ihrer Lebensart, Religion, Gebräuche, Wohnungen, Kleidung und übrigen Merkwürdigkeiten* (1776) which includes among the "Merkwürdigkeiten" the so-called *trial marriages* of the Cherkess. Within a given time the wife had to prove her fertility, otherwise the union would be dissolved. Recently similar temporary or trial marriages have been discovered in Ossetia.[45]

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[44] Cf. Kovalevskij, Zakon, II, p. 201.

[45] Ladyženskij, "Zur Erforschung der Rechtsgewohnheiten der Bergvölker des Kaukasus," *Zeitsch. f. Ethnologie*, LXII (1930), p. 232, *note* 1.

[1] [Sic -- Analyst]

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to the general rule. This village is inhabited by a degraded Avarian tribe or, as Baddeley suggests, "perhaps the remnant of an older race absorbed by the latter."[81] But even here, among this "degraded" Avarian tribe, the girl "might only be touched from waist upwards; in Shamyl's time a too-ardent lover was stabbed to death, for a breach of this adat, by his own beloved, and the deed was not only not punished but even greatly applauded."[82]

There are also similar conflicting reports regarding the neighbouring mountain tribes of Georgia. Klaproth, for instance, speaking of the Tushi, says, "Le commerce illicite entre les deux sexes est très rare chez eux . . ."[83] Klaproth's claim is in full accord with the severe penalties for fornication as described by Baddeley: "If a girl was unchaste, she was set upon a donkey, face to tail, and carried through the 'aoul', spat upon and jeered at." He goes on to say that "if a girl had a child, she was driven out of the community and the child killed, unless some charitable person took pity on it. A young man could not marry a girl once seduced by another man, but an old man or widower might."[84] Other reports, however, maintain the very contrary and say that the mountain tribes of Georgia are extremely lax. A few distinctions will, I believe, clarify these contradictions. The Khevsurs[85] and the Pshavs[86] have an institution called *tsatsali*, that is, "brother" or "sister" but actually legal lovers. It is only freedom with non-*tsatsalis* and pregnancy that seems to have been discountenanced by these tribes. As long as the girl restricted her relations to her *tsatsali* and avoided pregnancy she was "chaste." One of the main reasons for the relatively late marriage age among the mountain tribes of Georgia (*supra*, p. 67) is this institution.[87]

4. Relation of Penalties for Sexual Offenses to the Economic and Social Organization of the Caucasian Mountaineers

All that we have said about the severity of the penal laws of the North Caucasians is in perfect harmony with their general economic and social organization. It is a known fact that lower hunters discountenance sexual liberty more than the higher hunters; the lower agrarians more than the higher; the pastoralists more than the agrarians; the father-right family more than the mother-right.[88] Our North Caucasians have a strongly pastoral and father-right organization.

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[81] Baddeley, *op. cit.*, II, p. 13.

[82] *ibid.* Baddeley's source is Komarov's article "Adaty i sudoproizvodstvo po nim," SSKG, I, p. 57. Dubrovin, *Istorija*, I, i, p. 564 has the incident too, but he fails to mention his source.

[83] Klaproth, *Voyage au Mont Caucase et en Géorgie*, II, p. 72.

[84] Baddeley, *op. cit.*, I, p. 237.

[85] Kovalevskij, "La famille matriarcale au Caucase," *L'Anthropologie*, IV (1893), p. 273.

[86] Makalatija, "Iz starogo narodnogo byta Pšavov," SE, 1938, No. 1, p. 98.

[87] Since the *tsatsali* in Pshavia are always chosen from among relatives and marriage is possible only between non-relatives, marriage would mean that the two would have to separate and love another person, a fact that makes them reluctant to marry. In fact, they sometimes do not marry at all. For a detailed exposition of the institution, see Makalatija, *op. cit.*, pp. 98—102.

[88] H. Günther, *Formen und Urgeschichte der Ehe*, p. 90.

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IV. CONCLUSION

Chapter XIV

Conclusion

§ 1. MARRIAGE AND THE FAMILY OF THE CAUCASIANS IN THE LIGHT OF HISTORY

1. Russian (Soviet and Pre-Soviet) Influence

That the Russian military, political, and cultural influence has greatly affected, changed and unified, the marriage and family customs of the various peoples of the Caucasus cannot be denied. We need but recall some of the many facts we have pointed out in our comparative study.

(1) The Russians, we have seen, severely prosecute *polygyny* (*supra*, p. 39) and not without success. The relative scarcity of polygamous unions throughout North Caucasus and the neighbourhood, regardless of how ethnically different the tribes may be, must be attributed, at least in part, to Russian legislation.

(2) In recent times both mates have begun to enjoy greater *freedom of choice*, (*supra*, p. 76), thanks to the Russian insistance on freedom in mating as a *conditio sine qua non* for a legally valid marriage.

(3) We have also observed how rapidly *bride purchase* was disappearing or assuming an entirely different significance throughout the Caucasus, again, at least in part, owing to Russian legislation, industrialization, and education (*supra*, pp. 83, 87, 90).

(4) *Bride price*, *bloodwite*, etc. were formerly measured in cows, horses, sheep, and oxen, but now they are measured in money : not in live stock but in Russian rubles ! (*Supra*, pp. 82—89, 95, 168—179).

(5) The Russian opposition to *bride capture* has helped to make the practice become rare (*supra*, pp. 97 f). It was Russian positive law gaining ascendency over the *patria potestas* and its insistance on freedom of choice that encouraged and even defended elopement (*supra*, p. 98).

(6) The general disappearance of slavery and the associated sociological consequences, e. g., *the marriage impediments*,

(7) the *less severe penalties for sex crimes* which are gradually being adopted by all tribes of Caucasia (*supra*, pp. 175, 180).

(8) and the improvement in the *status of the female sex*, all must be reckoned among the effects of Russian and Soviet influence.